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**Legislation Committee
June 12, 2009
Minutes**

Chair Rubin called the meeting to order at 10:52 a.m. Committee members in attendance: Azumbrado, Chu, Giacomini, Haggerty, Halsted, Lempert, Mackenzie, and Spering. Also in attendance: Commissioners Bates and Cortese.

Minutes of the Committee's May 8, 2009 meeting were unanimously approved after a motion by Commissioner Chu, and a second by Commissioner Lempert.

Transportation 2035 Public Involvement Evaluation

Ellen Griffin of MTC staff presented the evaluation results for the public participation activities during the Transportation 2035 regional transportation plan's planning process. Commissioner Spering said that collapsing the current advisory committees' structure should be considered in order to get more engaged participation and also suggested creating a more formalized connection between Commissioners and committees by assigning Commissioners to a specific committee.

Legislative History and State Budget Update

Rebecca Long of MTC staff reported that AB 1135 (Skinner) became a two-year bill due to concerns about costs, and SB 406 (DeSaulnier) and SB 205 (Hancock) both passed the Senate. AB 744 (Torrico) and AB 1175 (Torlakson) — both sponsored by MTC — have passed the Assembly.

Scott Wetch and Duncan McFetridge, MTC's advocates in Sacramento, were in attendance. Mr. Wetch gave the committee an update on the state budget. He announced that there will be no suspension of Proposition 42 this year, but the Department of Finance intends to use the funds for cash management purposes. He also mentioned that the governor will not entertain any tax increases as part of this current \$23 billion budget deficit, but he is very intent on improving the state's rating; therefore, Democrats are hopeful they will be able to introduce revenue increases after the current budget is passed.

Mr. McFetridge noted that AB 744 (Torrico), the express lane network bill, and AB 1175 (Torlakson), the Antioch and Dumbarton Bridge seismic retrofit bill, have a hill to climb in the Senate, but it is not insurmountable. AB 744 had wide bipartisan support. AB 1175 did not have strong bipartisan support so efforts will focus on moving the bill straight from the Senate to the Governor's office. Mr. Wetch noted that the bills are well-positioned in the Senate because the Commission and staff have built a tremendous reservoir of good will with the current Pro Tem in the Senate, in part due to MTC's support and hard work on SB 375 last year.

Ms. Long reported that the Budget Conference Committee approved diverting local gas tax revenues to the General Fund. Staff will be urging the legislature to provide some backfill mechanism at the local level. Commissioner Haggerty noted that if this happens, up to 75 percent

of the public works personnel in Alameda County could be laid off. Commissioner Spering said MTC must urge state legislators to not support this. Commissioner Bates asked what the options are for backfill. Mr. McFetridge said the issue is being discussed with the Pro Tem's fiscal and policy staff.

State Legislation

AB 497 (Block) – HOV Lane Exemption for Physicians

This bill would allow a licensed physician to obtain a special decal from the California Medical Association (CMA) that would grant them access to high occupancy vehicle (HOV) lanes as a single-occupant vehicle when traveling in response to an emergency call. Ms. Long asked Chair Rubin to invoke the Commission's urgency procedures for the bill positions on the agenda. Commissioner Haggerty moved an "oppose" position on AB 497 and to invoke the Commission's urgency procedures, Commissioner Spering seconded, and the motion passed unanimously.

AB 1186 (Blumenfield) & SB 728 (Lowenthal) – Parking Cash-Out

The state's parking cash-out law requires certain employers who provide subsidized parking for their employees to offer a cash allowance in lieu of a parking space. As such,

- AB 1186 (Blumenfield) seeks to broaden the law's applicability by requiring certain lessors of commercial space to itemize parking costs separately from the commercial space; and
- SB 728 (Lowenthal) seeks to improve enforcement of the law by allowing local agency enforcement.

A "support" position on both bills was unanimously approved after a motion by Commissioner Halsted, and a second by Commissioner Lempert.

SB 425 (Simitian) – Small-Business Trip Reduction Tax Deduction/Parking Cash-Out Enforcement

This bill would authorize employers with 20 or fewer employees to claim a tax deduction from their corporate or personal income taxes for up to 80 percent of the cost associated with alternate commute modes, including costs in support of employees commuting by public transit, private commuter buses, vanpool, carpool, bicycle, or foot. A "support and seek amendment" position was unanimously approved after a motion by Commissioner Lempert, and a second by Commissioner Mackenzie.

AB 338 (Ma) – Local Vehicle Registration Surcharge for Transportation/Air Quality

This bill would allow cities and counties to use tax increment financing to pay for public facilities and amenities within a transit village development plan by allowing the creation of an Infrastructure Financing District by a majority vote of the elected body. A "support and seek amendment" position was unanimously approved after a motion by Commissioner Mackenzie, and a second by Commissioner Lempert.

ARRA

Randy Rentschler of MTC staff presented six guiding principles for ARRA's discretionary grant program Transportation Investment Generating Economic Recovery (TIGER).

- Chair Rubin recognized Lupe Schoenberger of Senator Mark DeSaulnier's office, who asked that the Contra Costa County State Route 4 (SR-4) Bypass Project be included as a priority for TIGER funding.
- Terry Shoaff of the Contra Costa Council also asked for support of the SR-4 project.

- Carli Paine of TransForm asked the Committee to include a seventh principle to direct new money toward priority development areas (PDAs).
- Dale Dennis of ECCRFFA & SR-4 Bypass Authority also asked for support of the SR-4 project.
- Devi Lanphere of the Antioch Chamber of Commerce asked for support of the SR-4 project.

Commissioner Lempert suggested that if it met the criteria, the money should be directed to Dumbarton Rail. Executive Director Steve Heminger noted that one of the proposed principles is to reserve \$50 million of the funds for Doyle Drive. Commissioner Mackenzie made a motion to adopt the principles and include a seventh principle to give preference to PDAs within the FOCUS areas. The motion was seconded by Commissioner Bates, and it was unanimously referred to Commission.

Mr. Rentschler presented a draft investment strategy for the High Speed Rail/Intercity Rail grant program. The strategy was unanimously approved after a motion by Commissioner Lempert and a second by Commissioner Mackenzie.

Tom Bulger's Report

The report from MTC's advocate in Washington, D.C. was received by the committee.

Other Business/Public Comment/Adjourn

There was no other business or public comment. The next Committee meeting was scheduled for July 10, 2009. The meeting was adjourned at 12:13 p.m.